

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

DAVID DAVIS,	)	
	)	Case Number:
Plaintiff	)	
	)	3:06-CV-0544-WHA
v.	)	
	)	
PHENIX CITY, ALABAMA, et al.	)	
	)	
Defendants.	)	

**DEFENDANTS' PROPOSED SPECIAL  
INTERROGATORIES TO THE JURY**

**COME NOW** the Defendants Phenix City, Alabama, Jeffrey Hardin, H. H. Roberts and Wallace Hunter and propose that the Court submit the following special interrogatories to the jury:

**Special Interrogatories to the Jury**

Do you find from a preponderance of the evidence:

1. That a fireman, like the Plaintiff, if acting in accordance with the Phenix City Fire Department's Standard Operating Procedures (specifically ASOP #12) and the Phenix City Merit System Rules and Regulations would be allowed to address the Mayor or the City Council concerning a proposal to extend the probationary period to new firefighters?

Answer Yes or No \_\_\_\_\_

If your answer to the above question is yes, you need go no further on Plaintiff's claim in Count I of his Complaint for retaliation in violation of his First Amendment free speech rights.

2. That Defendants took an adverse employment action against Plaintiff because Plaintiff exercised his right to be in a Firefighters Union?

Answer Yes or No \_\_\_\_\_

3. That Plaintiff's interest in associating with the Firefighters Union outweighed the Defendants' interest in promoting efficiency, harmony, loyalty, morale and effectiveness of fire services in Phenix City?

Answer Yes or No \_\_\_\_\_

If the answer to question number 2 or number 3 is no, you need go no further on Plaintiff's claim in Count II of his Complaint for violation of his First Amendment association rights.

4. That Plaintiff would have been discharged from his employment with the City of Phenix City Fire Department even in the absence of the Plaintiff's association with the Fire Fighters Union?

Answer Yes or No \_\_\_\_\_

If the answer to number 4 is yes, you need go no further on Plaintiff's

claim in Count II of his Complaint for violation of his First  
Amendment association rights.

/s/ *James R. McKoon, Jr.*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 6<sup>th</sup> day of August, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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/s/ *James R. McKoon, Jr.*

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